

USSN 10/603,462 filed 06/25/2003 (DP-306034)
Preliminary Amendment - Second dated: 23-MAY-2006
Response to Office Action of 12/28/2005

AMENDMENTS TO THE DRAWINGS

Please substitute the enclosed drawing sheets 1/9 to 9/9, inclusive, each labeled "Replacement Sheet", for the corresponding sheets presently in the case.

Figure 4 is amended to add reference numeral 14 (sensing element) as well as an associated lead line in four locations.

Figure 5 is amended to add reference numeral 14 (sensing element) as well as an associated lead line in four locations.

Figure 6 is amended to delete reference numeral 22 and substitute reference numeral 19 (air gap) with the existing lead arrow.

Figure 8B is amended to delete reference numeral 31 and substitute reference numeral 28 (rotational axis) with the existing lead line.

Figure 8B is further amended to add reference numeral 31 (rotating shaft) as well as an associated lead line.

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REMARKS

Upon entry of this Second Preliminary Amendment, claims 1 – 3, 7 – 9, 11, 13 – 17, 21 – 25, 27, 31, 34 – 39, 41 and 46 – 64 are pending.

Claims 14 and 15 are allowed. The Applicants appreciate the Examiner's continued attention and consideration.

Claims 4 - 6, 10 – 13, 18 – 22, 26 – 33 and 40 – 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and, in addition, claim 4 being corrected to overcome the indefiniteness rejection noted herein below.

New independent claim 46 corresponds to dependent claim 4, rewritten in independent form, including all limitations of base claim 1 and corrected to overcome the indefiniteness rejection. Claim 4 has been canceled.

The Applicants specifically direct the Examiner's attention to the final paragraph of Claim 46, which recites "*... a second target, wherein the targets each comprise at least one of two magnetic teeth separated by a target spacing or two magnetic slots separated by the target spacing ...*".

New independent claim 47 corresponds to dependent claim 5, rewritten in independent form, including all limitations of base claim 1. Claim 5 has been canceled.

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New independent claim 48 corresponds to dependent claim 6, rewritten in independent form, including all limitations of base claim 1. Claim 6 has been canceled.

New independent claim 49 corresponds to dependent claim 10, rewritten in independent form, including all limitations of base claim 1. Claim 10 has been canceled.

New independent claim 50 corresponds to dependent claim 12, rewritten in independent form, including all limitations of base claim 1. Claim 12 has been canceled.

New independent claim 51 corresponds to dependent claim 18, rewritten in independent form, including all limitations of base claim 1 and intervening claim 17. Claim 18 has been canceled.

New independent claim 52 corresponds to dependent claim 19, rewritten in independent form, including all limitations of base claim 1 and intervening claim 17. Claim 19 has been canceled.

New independent claim 53 corresponds to dependent claim 20, rewritten in independent form, including all limitations of base claim 1. Claim 20 has been canceled.

New independent claim 54 corresponds to dependent claim 26, rewritten in independent form, including all limitations of base claim 23. Claim 26 has been canceled.

New independent claim 55 corresponds to dependent claim 28, rewritten in independent form, including all limitations of base claim 23. Claim 28 has been canceled.

New independent claim 56 corresponds to dependent claim 29, rewritten in independent form, including all limitations of base claim 23. Claim 29 has been canceled.

New independent claim 57 corresponds to dependent claim 30, rewritten in independent form, including all limitations of base claim 23. Claim 30 has been canceled.

New independent claim 58 corresponds to dependent claim 32, rewritten in independent form, including all limitations of base claim 23. Claim 32 has been canceled.

New independent claim 59 corresponds to dependent claim 33, rewritten in independent form, including all limitations of base claim 23. Claim 33 has been canceled.

New independent claim 60 corresponds to dependent claim 40, rewritten in independent form, including all limitations of base claim 23. Claim 40 has been canceled.

New independent claim 61 corresponds to dependent claim 42, rewritten in independent form, including all limitations of base claim 23. Claim 42 has been canceled.

New independent claim 62 corresponds to dependent claim 43, rewritten in independent form, including all limitations of base claim 23. Claim 43 has been canceled.

New independent claim 63 corresponds to dependent claim 44, rewritten in independent form, including all limitations of base claim 23. Claim 44 has been canceled.

New independent claim 64 corresponds to dependent claim 45, rewritten in independent form, including all limitations of base claim 23. Claim 45 has been canceled.

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The Applicants submit that new independent claims 46 – 64 are in allowable form.

Accordingly, in view of the amendments, it is requested that the objection be withdrawn.

Claims 1 – 3, 7, 8, 16, 17, 23 – 25, 34 – 36, 38 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Lequesne et al. (U.S. 2004/0150393 A1).

The Applicants submit that they are entitled to claim priority to Lequesne et al. under 35 U.S.C. § 120. The dismissal of Applicant's initial Petition to claim priority to Lequesne et al. was based upon an inadvertent typographical error, which has been corrected in the currently pending Renewed Petition, which fully complies with 37 C.F.R. § 1.78(a)(3).

Accordingly, it is requested that the rejection be withdrawn.

Claims 9 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lequesne et al. in view of Rhodes et al. (U.S. 6,509,732 B1).

In view of the forgoing, Lequesne et al. is not properly citable as prior art, and Rhodes et al., by itself, fails to disclose or suggest the features attributed to Lequesne et al. in the 35 U.S.C. 102(e) based rejection hereinabove.

Accordingly, it is requested that the rejection be withdrawn.

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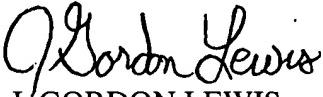
Conclusion

Applicant believes, in view of the amendments and remarks herein, that all grounds of rejection of the claims have been addressed and overcome, and that all claims are in condition for allowance.

If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the telephone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication and/or credit any overpayments to Deposit Account No. 50-0831.

Respectfully submitted,


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Dated: 23-May-2006